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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,222	02/28/2002	Takayoshi Shimokawa	500.36133CC2	6364

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,222	Applicant(s) SHIMOKAWA ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/044,163.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims:

Claims 34-37 are pending; claims 1-33 having been canceled, and claims 34-37 are amended per applicant's most recent response. Claims 34-37 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,823,310 issued to Grand (hereafter Grand) in view of US Pat No 5,748,952 issued to Chadha et al (hereafter Chadha).

Claims 34, 36, 37:

Grand discloses adding bookmark information in each of said plurality of data areas, said data areas having data pieces generated in time series and said bookmark information including first time information at which said data pieces were generated [Fig 2]

Grand discloses the elements of the claimed invention as noted above but does not disclose status information of an empty status of data in each area. Chadha discloses and status information of an empty status of data in each area [[Fig 4, step 410]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grand to

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include and status information of an empty status of data in each area as taught by Chadha for the purpose of checking if there is information to be processed [col 5, line 62 through col 6, line 5].

The combination of Grand and Chadha discloses reading in response to a request for storing data in a data area, said status information to decide whether said data can be stored in said data area, and when said status indicates an empty status, storing said data in said data area and storing a second time information at which data is stored in said data area in said bookmark information of said data area, where said status information is changed to indicate that said data area is not empty [Grand col 1, lines 60-65]

providing in response to a retrieval request for data stored within a time period in said database, data from a data area when said second time information of said bookmark information is determined to be within said time period after reading said bookmark information [col 4, line 35 through col 5, line 2]

Claim 35:

Grand discloses adding bookmark information in each of said plurality of data areas, said data areas having data pieces generated in time series and said bookmark information including first time information at which said data pieces were generated [Fig 2]

Grand discloses the elements of the claimed invention as noted above but does not disclose status information of an empty status of data in each area. Chadha discloses and status information of an empty status of data in each area [[Fig 4, step 410]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grand to include and status information of an empty status of data in each area as taught by Chadha for the purpose of checking if there is information to be processed [col 5, line 62 through col 6, line 5].

The combination of Grand and Chadha discloses reading in response to a request for storing data in a data area, said status information to decide whether said data can be stored in said data area, and when said status indicates an empty status, storing said data in said data area and storing a second time information at which data is stored in said data area in said bookmark information of said data area, where said status information is changed to indicate that said data area is not empty [Grand col 1, lines 60-65]

setting in response to a request for deletion of data stored within a time period in said database, said status information to indicate that said data area is empty when said second time information of said bookmark information is determined to be within said time period after reading said bookmark information [Grand, Fig 3]

Response to Arguments

Applicant's arguments filed 3/10/2006, with respect to claims 34-37 have been considered but are moot in view of the new ground(s) of rejection which are in response to the most recent claim amendments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/4/2006

